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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

*CHASE HIATT, an individual on behalf of
himself and all others similarly situated,*

PLAINTIFF,

v.

*BRIGHAM YOUNG UNIVERSITY (a Utah
Corporation),*

DEFENDANT.

**PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO FILE
CLASS CERTIFICATION MOTION**

Civil No.: 1:20-cv-00100-TS-CMR

Judge Ted Stewart

Magistrate Judge Cecilia M. Romero

Plaintiff, through undersigned counsel, moves the Court for an extension of time to complete class discovery and file a Motion for Class Certification pursuant to DUCivR 23-1 (d). Plaintiff is authorized to represent to the Court that this motion is not opposed by Defendant. In support of this Motion, Plaintiff states the following:

1. This action commenced on August 5, 2020 with the filing of a two-count proposed class action Complaint. Defendant was granted an extension to responsively plead and timely filed a Motion to Dismiss on October 9, 2020.

2. The Motion to Dismiss is pending. Response and replies are not yet due.

3. According to Local Rule DUCivR 23-1 (d) “[u]nless the court otherwise orders, the proponent of a class shall file a motion for certification that the action is maintainable as a class action within ninety (90) days after service of a pleading purporting to commence a class action, including cross claims and counterclaims.”

4. Plaintiff’s counsel requires additional time after class discovery, which has not yet commenced, to appropriately file a Motion for Class Certification after a decision is granted on the Defendant’s Motion to Dismiss.

5. Plaintiff’s counsel requested whether Defendant’s counsel objected to allow for proper time for class discovery and to bring a certification motion on the following basis:

- a. If the Court were to deny the pending Motion to Dismiss, Plaintiff is granted 90 days after such decision to obtain class discovery, and then
- b. Plaintiff must file any class certification motion withing twenty-eight (28) days after class discovery closes.

6. Defendant, through its counsel, indicated it had no objection to the timing indicated in 5 a and b above.

7. This requested extension is made in good faith and not for purposes of delay.

8. A Proposed Order is attached as an exhibit to this motion. In addition, a Word version of the motion was separately transmitted electronically to the Court.

Dated: October 28, 2020

By: /s/ Michael J. Watton
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Attorneys for Plaintiff and the Putative Class

CERTIFICATE OF SERVICE

I, Kaitlyn Lenagh, certify that on October 28, 2020, the foregoing **Plaintiff's Motion for Extension of Time to File Class Certification Motion** was electronically filed through the Court's CM/ECF filing system which sent notification of such to all counsel of record.

/s/ Kaitlyn Lenagh